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## FISCAL IMPACT REPORT

SPONSOR Snyder DATE TYPED 2-7-04 HB \_\_\_\_\_

SHORT TITLE Hazardous Material Endorsement Checks SB 40/aSCORC

ANALYST Reynolds-Forte

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
			NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Response Received From  
Department of Transportation

### SUMMARY

#### Synopsis of SCORC Amendment

The Senate Corporations and Transportation Committee amendment to the bill replaces “may” with “shall” on page three, line 17 of the bill. The amended sentence reads:

The department shall require an applicant requesting a hazardous material (“H”) endorsement to be subject to a background check pursuant to the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001.

#### Synopsis of Original Bill

Senate Bill 40 adds a section of law that allows the Taxation and Revenue Department to require an applicant who requests a hazardous material (“H”) endorsement to their commercial driver’s license to be subject to a background check.

Senate Bill 40 also repeals Section 74-4F-3 NMSA 1978 which allowed the Taxation and Revenue Department to charge a hazardous material transportation permit fee. The Motor Vehicle Division says the federal government, not the State, is now issuing hazardous material permits

and this section of law is no longer needed.

Significant Issues

The New Mexico Department of Transportation notes that Senate Bill 40 is an attempt to bring New Mexico into compliance with Federal (US) law (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001),

**FISCAL IMPLICATIONS**

The fiscal impact of Senate Bill 40 would be to the person applying for the endorsement; Motor Vehicle believes this could add \$40-\$75 to this hazardous materials endorsement.

**TECHNICAL ISSUES**

The New Mexico Department of Transportation believes that on page 3, line8, the word “may” should be changed to “shall” to ensure background checks are conducted in compliance with federal law.

**PRF:GG/njw**